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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,244	11/25/2003	Todd R. Carroll	11632N/022020	6655

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EXAMINER

MILLER, WILLIAM L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,244

Applicant(s)

CARROLL ET AL.

Examiner

William L. Miller

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-32 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-16 and 18-25 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03-29-2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 9, 10, and 14 are objected to because of the following informalities: the references to standards should be deleted or the requirements thereof should be recited in detail.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 10-16, 18, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/074217 (hereinafter WO217) in view of WO 99/15128 (hereinafter WO128).

4. WO217 discloses a container 10 for storing or transporting at least one contaminated item, comprising: a plurality of polymeric, multi-layered chemical composite flexible walls 14,16 that are impervious to gases and liquid and define an interior chamber 22 that has sufficient dimensions to accommodate said contaminated item; a gas-tight closable opening 20 for placing and removing said contaminated item in the interior chamber; and an air management system that filters (page 5, lines 24-29) and releases (uni-direction pressure relief valves 24,26) pressure from the inside of said interior chamber.

5. Regarding claims 1 and 11, WO217 fails to disclose a closeable and openable opening, or zipper, for placing and removing said contaminated item in the interior chamber. However,

WO128 discloses a similar container 1 including a gas-tight closable and openable opening, namely zipper 2, for placing and removing said contaminated item in the interior chamber (abstract). Therefore, as taught by WO128, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WO217 such that the container included a gas-tight closable and openable opening, or zipper, for placing and removing said contaminated item in the interior chamber thereby simplifying the process of inserting and removing the remains.

6. Regarding claim 2, the item is a human or animal body (page 1, lines 26-27).

7. Regarding claims 3 and 13-15, the multi-layered chemical composite is a thermoplastic resin, such as polypropylene (page 2, lines 21-26), which is “resistant” to claimed contaminates/chemicals and “attenuates” at least one of alpha, beta, gamma radiation.

8. Regarding claim 10, since the modified container of WO217 includes all the limitations of claim 1, then it is ASTM F1052 compliant.

9. Regarding claim 12, although modified WO217 fails to disclose the specific zipper material, it would have been obvious to one of ordinary skill in the art to fabricate the zipper using one of the claimed materials as the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

10. Regarding claim 16, although WO217 fails to specifically disclose a layer as a thermoplastic polyolefin elastomer, WO217 invites any plastic material for the layers such as polyolefin, nylon, or polyvinyl, and it would have been obvious to one of ordinary skill in the art to utilize a thermoplastic polyolefin elastomer layer as the selection of a known material based

upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

11. Regarding claim 18, the walls form an extended tubular body.
12. Regarding claims 22 and 23, the multi-layer walls may include polyvinyl chloride, which is a polymeric abrasion resistant fabric surface (page 2, lines 14-26).
13. Regarding claims 24 and 25, the interior chamber includes a super absorbent polymer, namely pads 46,48 adhered to the walls that define the chamber.
14. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO217 in view of WO128, as discussed above, and further in view of Langley (US#5169697).
15. Although WO217 discloses the container seams are hermetically sealed via heating, WO217 fails to disclose the seams being sewn and sealed with a chemically resistant tape. However, Langley discloses a multi-layered chemical composite barrier material wherein its seams are sewn and sealed with a chemically resistant tape to enhance the barrier effect (col. 2, lines 24-36). Therefore, as taught by Langley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify WO217 such that the seams were sewn and sealed with a chemically resistant tape to enhance the barrier effect of the container.

Allowable Subject Matter

16. Claims 4-9 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 26-32 are allowed.

Conclusion

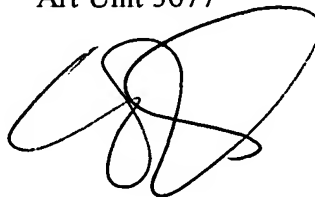
18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller
Primary Examiner
Art Unit 3677



WLM